



*Office of the United States Attorney
District of Arizona*

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NORTHERN ARIZONA MAN CONVICTED FOR ASSAULTING INFANT SON

Five-month-old baby's injuries caused by father

PHOENIX - Delyne Benally, 32, of Bittersprings, Ariz., was found guilty of Assault Resulting in Serious Bodily Injury by a federal jury in Prescott, Ariz. after an investigation conducted by the Navajo Department of Public Safety and the FBI showed that Benally cause serious injuries to his five-month-old son. Benally remains in federal custody until sentencing which is set before Judge Campbell on January 9, 2006.

Benally was intoxicated on October 12, 2004 when he took his infant son into the bedroom of the family home. The baby's mother heard the baby crying and tried to get into the locked room. When Benally opened the door, the baby's eyes were rolling back, he appeared to have difficulty breathing and he had bruises on his forehead. The mother took the baby to the hospital where he was transported by air to Phoenix Children's Hospital and underwent surgery for bleeding to the surface of his brain and brain swelling. Doctors testified that the baby was injured in the room by Benally based on the severity of the injury and the victim's immediate deterioration.

A conviction for Assault Resulting in Serious Bodily Injury carries a maximum penalty of ten years in prison, a \$ 250,000 fine or both. In determining an actual sentence, Judge Campbell will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The case was tried before U.S. District Court Judge David G. Campbell on October 11, 2005. The prosecution was handled by Dyanne C. Greer, Assistant U.S. Attorney, District of Arizona, Phoenix.

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